THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.18417 of 2005

20-08-2005

Between:

V.Pullanna

... PETITONER

AND

1. APSRTC, rep. By its Regional Manager, Kurnool Region at Kurnool and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.18417 of 2005

ORDER:

This writ petition is filed aggrieved by the action of the third respondent in imposing a major punishment without conducting a regular departmental enquiry.

According to the petitioner, he was appointed as a Conductor in the year 1985. While he was working in the second respondent-Depot, he was charge sheeted for cash and ticket irregularities and was called upon to submit his explanation. Accordingly, he submitted his explanation. However, the third respondent, without conducting a regular departmental enquiry, if not satisfied with the explanation, imposed the punishment of reduction of pay by two incremental stages with permanent effect apart from treating the suspension period as not on duty.

The grievance of the petitioner is that the said punishment imposed by the third respondent which was modified by the appellate authority to that of withholding the annual increment of the petitioner for a period of two years with cumulative effect is not in accordance with law as the same was imposed without conducting a regular departmental enquiry. Hence, he sought for setting aside the impugned order.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent-Corporation.

Admittedly, the third respondent initiated disciplinary proceedings and imposed the major penalty of reduction of pay of the petitioner by two incremental stages with permanent effect which was

modified by the appellate authority. Imposition of such a major punishment without conducting an enquiry is contrary to the judgments of the Supreme Court as well as this Court. Therefore, the same is not sustainable.

Accordingly, the impugned order is set aside and the matter is restored to the file of the third respondent for conducting necessary enquiry and to pass appropriate orders.

The writ petition is accordingly disposed of. No costs.

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20.08.2005

VGB